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November 8, 2013

Marlene H. Dortch  
Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th St. SW, Room TW-A325  
Washington, DC 20554

Re: WC Docket No. 13-184; FCC 13-100

Dear Ms. Dortch,

On behalf of the undersigned members of The Leadership Conference on Civil and Human Rights ("The Leadership Conference"), we write to offer brief reply comments on the Federal Communications Commission's ("the Commission" or "FCC") proposed modernization of E-Rate.<sup>i</sup>

The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. The Leadership Conference's Media/Telecommunications Task Force is committed to ensuring that all communities, particularly those that are underserved, have access to essential telecommunications services, including high capacity broadband. We also believe that federal programs like E-Rate are absolutely essential in the fight against child poverty and will help provide low-income schoolchildren the tools necessary to bridge the expanding digital divide.

We note the numerous commenters, including representatives of the civil rights, education and business communities, and states and localities, who almost universally expressed strong support for expanding and modernizing E-Rate. Many pointed to it as an essential step in addressing student poverty and in increasing low-income students' educational achievement.<sup>ii</sup> We share those sentiments and reiterate our support for E-Rate and for the president's ConnectED initiative, which would leverage E-Rate to connect 99 percent of students to high-speed broadband or high-speed wireless in five years.

We do note, however, that we strongly urged the Commission in our initial comments to resist cannibalizing other low-income telecommunications subsidies under the Universal Service Fund.<sup>iii</sup> Low-income students need access to quality broadband at both school *and* home, and lag severely in access at home versus more affluent schools.<sup>iv</sup> A comprehensive recent Pew Study shows that just 3 percent of teachers at the poorest schools say that all or almost all of their students have access to appropriate digital tools at home, and only 13 percent of teachers say the same at rural schools.<sup>v</sup> The low-income fund can provide a crucial tool for expanding access to broadband at home (and we support expanding the program to broadband). While we support raising the E-Rate cap, funds must not come at the expense of these other, essential programs.



With that said, many of the education community’s submissions highlight the concrete role the schools and libraries program plays in bridging the growing digital divide.

To give just one example, in its comments, the National Association of Secondary School Principals showcases Patapsco High School and Center for the Arts, an urban, high-needs school in Baltimore where 91 percent of students were eligible for free or reduced price lunches in 2011-12.<sup>vi</sup> In 2009, benefiting from the district’s systemic use of E-Rate to lower telecommunications costs, Patapsco launched a comprehensive overhaul of the building and curriculum to better support 21st-century digital learning programs. In four years, the school has gone from “barely registering” to being one of the best high schools in the United States and one of the country’s top arts integration schools.<sup>vii</sup>

Unfortunately, despite these successes, more needs to be done through E-Rate and similar programs to improve equitable access to educational opportunity across both income-level and geography. In 2013, the Pew Research Center conducted the aforementioned comprehensive survey of more than 2,400 Advanced Placement and National Writing Project teachers, which, not surprisingly, found severe disparities in the use of technology at schools in wealthier versus poorer districts and urban versus rural schools.<sup>viii</sup>

For instance, 70 percent of teachers in the highest income areas say they have appropriate digital resources, compared to only one-in-two in the lowest income areas.<sup>ix</sup> Similarly, 39 percent of low-income teachers say their school is “behind the curve” technologically, versus only 15 percent at higher-income schools.<sup>x</sup> Almost 85 percent of surveyed teachers agreed “strongly” (39 percent) or “somewhat” (45 percent) that “today’s digital technologies are leading to *greater* disparities between affluent and disadvantaged schools and school districts.”<sup>xi</sup>

For all these reasons, we very much support expansion of the E-Rate program and the president’s laudable goal of connecting almost all of America’s schoolchildren to high-capacity broadband in this decade. We again urge the Commission, however, not to compromise other essential universal service programs in doing so.

We look forward to working with the Commission as this important review and update of the E-Rate program continues. Please contact Leadership Conference Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, United Church of Christ, OC Inc., at 202-841-6033; Gabe Rottman, American Civil Liberties Union, at 202-675-2325; or Corrine Yu, Leadership Conference Managing Policy



Director, at 202-466-5670, if you would like to discuss the above issues or any other issues of importance to the Leadership Conference.

Sincerely,

American Civil Liberties Union  
Asian Americans Advancing Justice | AAJC  
Common Cause  
Communications Workers of America (CWA)  
The Leadership Conference on Civil and Human Rights  
NAACP  
National Consumer Law Center, on behalf of its low-income clients  
National Council of La Raza  
National Hispanic Media Coalition  
United Church of Christ, OC Inc.

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<sup>i</sup> Modernizing the E-Rate Program for Schools and Libraries, 78 Fed. Reg. 51,598 (proposed July 23, 2013) (to be codified at 47 C.F.R. pt. 54) [hereinafter the “Notice”].

<sup>ii</sup> See, e.g., Comments of the Nat’l Assoc. for the Advancement of Colored People at 2, *In re Modernizing E-Rate*, WC Docket No. 13-184, F.C.C. 13-100 (Sept. 16, 2013) (“For many of our under-represented and underserved communities, high-capacity broadband access at schools and libraries is absolutely essential for educational, economic, and health attainment, and reducing the number of technological “have-nots” in America.”); Comments of the Nat’l Assoc. of Elementary School Principals at 2 (“Connectivity has helped schools that serve disadvantaged students access tools to become better learners, and improved the effectiveness and productivity of teachers.”); Comments of the School District of Philadelphia at 3 (“The [district] greatly applauds the work of the FCC and their support of the E-Rate program, without which our students, 82% of which come from economically disadvantaged homes, wouldn’t have equitable access to these fundamentally necessary and empowering services in a 21st century classroom.”); Comments of the Leading Educ. By Advancing Digital (LEAD) Commission at 4 (“E-Rate has brought Internet connectivity to schools and libraries across the country – including in rural and urban areas, public and private schools, and in under-served communities.”); see also The Equity & Excellence Comm’n, U.S. Dep’t of Educ., *For Each and Every Child* 15 (2013), available at <http://1.usa.gov/131ttww> (“[P]oor schools can’t compete for the best teaching and principal talent in a local labor market and can’t implement the high-end technology and rigorous academic and enrichment programs needed to enhance student performance.”).

<sup>iii</sup> Comments of The Leadership Conference on Civil & Human Rights at 2, *In re Modernizing E-Rate*, WC Docket No. 13-184, F.C.C. 13-100 (Sept. 16, 2013).

<sup>iv</sup> Kristen Purcell et al., Pew Research Ctr.’s Internet & Am. Life Project, *How Teachers are Using Technology at Home and in Their Classrooms* 44 (2013), <http://bit.ly/Y6Opuv>.

<sup>v</sup> *Id.*

<sup>vi</sup> Comments of the Nat’l Assoc. of Secondary School Principals at 2-3, *In re Modernizing E-Rate*, WC Docket, No. 13-184, F.C.C. 13-100 (Sept. 16, 2013).

<sup>vii</sup> *Id.* at 3.

<sup>viii</sup> Purcell et al., *How Teachers*, *supra* note 4.

<sup>ix</sup> *Id.* at 57.

<sup>x</sup> *Id.* at 56.

<sup>xi</sup> *Id.* at 45 (emphasis added).